

OEHHA Should Reverse Decision to Hide the Truth about Coffee and Acrylamide

Statement of David Steinman of Chemical Toxin Working Group

“You can’t handle the truth” seems to have become the theme of California’s top public health officials when it comes to enforcing Proposition 65 and protecting consumers from the carcinogen acrylamide in coffee products. Acrylamide is relatively newly discovered cancer agent that appears in foods roasted at high temperatures.

Prop. 65, officially known as The Safe Drinking Water and Toxic Enforcement Act, was passed by the people of California in 1986 and requires disclosure of chemicals known to the state’s experts to cause cancer or reproductive toxicity. Cancer remains the second leading cause of death in the US. Public health policies that reduce exposures would reduce these rates, and Prop. 65 remains one of the exemplary consumer protection laws throughout the world of commerce.

There is no smart reason, justification or scientifically honest basis for the Office of Environmental Health Hazard Assessment (OEHHA) to exclude acrylamide contamination in coffee from Proposition 65 disclosure regulations. This decision, unless reversed, will ultimately embarrass, and be harmful to, OEHHA itself because of its see-no-evil scientific methods; unwittingly and unintentionally degrade the state’s power to regulate its own commerce in an era of federal deregulation; and, most of all, when it comes to the state’s own citizens, betray the health of the people of California by causing them to continue to be exposed to a carcinogen that science says most likely causes human cancer.

By regulating the small percentage of coffee products exceeding the safe harbor levels, the state could actually reduce overall levels of acrylamide among all coffee drinkers and exert a national impact, leading the nation; the only reason for the high levels in some products is due to manufacturing processes that could be modified with negligible cost. Science has shown lower temperatures and longer roasting times produce lower levels of the chemical toxin that fall within the safe harbor limits of Prop. 65.

By instituting disclosure laws for acrylamide and coffee, as the people of California demanded by popular vote in 1986, manufacturers would be forced to clean up their act and produce entirely safe and healthy products with much less of the toxin, instead of causing the shopper to play cancer roulette. Instead, our state’s so-called watch dogs are giving the bad actors in the coffee industry a pass. So the bad actors get the rewards and the conscientious manufacturers who are actually working to lower levels get punished. OEHHA has gone Trump on California, and it’s a sad situation for coffee drinkers as well as the trust we should have in the regulator.

The hard truth is that some, but certainly not all, coffee products are highly contaminated with acrylamide. The idea of Prop. 65 is to reduce exposures to chemical toxins when possible and its enforcement with coffee could play a vital role in accomplishing this public health imperative. In 2013, it was reported that one single cup of coffee (160 ml) delivered on average from 0.45 micrograms acrylamide in roasted coffee to 3.21 mcg in coffee substitutes.ⁱ

In an Italian study, over the years 2015-2016, 66 samples of coffee were collected from retail outlets in Italy. Acrylamide levels exceeded the limit recommended by the European Commission in 36.4% of the samples. Should similar differences in exposures be found in US brands and manufacturers, one-third of the worst actors with the highest levels get free passes while the good guys get no advantage for doing good. These researchers concluded, “Considering the average consumption of coffee... exposure is significant and should be decreased.”ⁱⁱ

OEHHA is betraying the exemplary companies besides consumers. This chemical causes cancer in both sexes of at least two species of animals, a bell weather indicator that it will do the same in people. But it was only detected in foods about a decade ago and none of the studies that OEHHA is resting its case on have been able to discern between foods with high and low levels. As a result, the few epidemiological studies done on acrylamide and exposures, on the whole, are considered inadequate to reach a determination if higher levels in some coffee products will cause cancer. For coffee, no study appears to have teased out the cancerous effects of brands with the highest levels of the chemical. The science is still in its infancy. We probably will find that people with the highest acrylamide intakes do have more cancers.

That is why prudent public policy would be erring on the side of caution and truth by revealing the products with the highest levels, exceeding the safe harbor. As manufacturers are forced, by the whip of the free market and full disclosure to consumers, to clean up their products, this will reduce overall acrylamide levels. That would be progress. Closing one's eyes, or, rather, blinding of Californians, and covering over the facts, as OEHHA is now doing, only hurts progress and public health.

REFERENCES

ⁱ [Mojska H, Gielecińska I.](#) **Studies of acrylamide level in coffee and coffee substitutes: influence of raw material and manufacturing conditions.** [Rocz Panstw Zakl Hig.](#) 2013;64(3):173-81.

ⁱⁱ [Bertuzzi T](#), [Rastelli S](#), [Mulazzi A](#), [Pietri A](#). **Survey on acrylamide in roasted coffee and barley and in potato crisps sold in Italy by a LC-MS/MS method.** [Food Addit Contam Part B Surveill](#). 2017 Dec;10(4):292-299. doi: 10.1080/19393210.2017.1351498. Epub 2017 Jul 19.